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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/802,686	
	Filing Date	March 9, 2001	
	First Named Inventor	Gary VAN NEST	
	Group Art Unit	1645	
	Examiner Name	To Be Assigned	
Total Number Of Pages In This Submission	8	Attorney Docket No.	377882000900

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**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Request for a Corrected Filing Receipt (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Copy of marked-up Filing Receipt (4 pages)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Copy of first page of Patent Application sent to the U.S. Patent & Trademark Office on March 9, 2001 (1 page)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	4. Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018
Signature	Karen R. Zachow
Date	May 9, 2001

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 9, 2001.

Hazel M. Raskowitz

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PATENT  
Docket No. 377882000900

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Date

*May 9, 2001*

Hazel M. Raskowitz

*Hazel M. Raskowitz*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Gary VAN NEST

Serial No.: 09/802,686

Filing Date: March 9, 2001

For: METHODS OF PREVENTING AND  
TREATING RESPIRATORY VIRAL  
INFECTION USING  
IMMUNOMODULATORY  
POLYNUCLEOTIDE SEQUENCES

Examiner: To Be Assigned

Group Art Unit: 1645

REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination  
Customer Service Center  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The correction needed is as follows:

1. In the title, please add --SEQUENCES-- after POLYNUCLEOTIDE. The title should read, "METHODS OF PREVENTING AND TREATING RESPIRATORY VIRAL INFECTION USING IMMUNOMODULATORY POLYNUCLEOTIDE SEQUENCES".

A copy of the marked-up Filing Receipt and first page of Patent Application sent to the U.S. Patent & Trademark Office on March 9, 2001 is attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952 referencing Docket No. 377882000900**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: May 9, 2001

By: Karen R. Zachow  
Karen R. Zachow  
Registration No. 46,332

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5895  
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 WASHINGTON, D.C. 20231  
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CONFIRMATION NO. 9981



Bib Data Sheet

<b>SERIAL NUMBER</b> 09/802,686	<b>FILING DATE</b> 03/09/2001 <b>RULE</b>	<b>CLASS</b> 435	<b>GROUP ART UNIT</b> 1633	<b>ATTORNEY DOCKET NO.</b> 377882000900	
<b>APPLICANTS</b> Gary Van Nest, Martinez, CA;					
<b>** CONTINUING DATA *****</b> THIS APPLN CLAIMS BENEFIT OF 60/188,583 03/10/2000 <i>PS OK</i>					
<b>** FOREIGN APPLICATIONS *****</b> <i>NONE PS</i>					
<b>IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY **</b> <b>** 04/18/2001</b>					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after met <i>Allowance</i> Verified and Acknowledged <i>Examiner's Signature</i> Initials		<b>STATE OR COUNTRY</b> CA	<b>SHEETS DRAWING</b> 1	<b>TOTAL CLAIMS</b> 15	<b>INDEPENDENT CLAIMS</b> 2
<b>ADDRESS</b> 25226					
<b>TITLE</b> Methods of preventing and treating respiratory viral infection using immunomodulatory polynucleotide sequences					
<b>FILING FEE RECEIVED</b> 420	<b>FEES: Authority has been given in Paper</b> No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/802,686	03/09/2001	1645	355	377882000900	1	15	2

25226  
MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO, CA 94304-1018

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APR 25 2001

Morrison & Foerster, LLP  
Palo Alto

CONFIRMATION NO. 9981

FILING RECEIPT



\*OC000000005987246\*

Date Mailed: 04/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gary Van Nest, Martinez, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/188,583 03/10/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 04/18/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Methods of preventing and treating respiratory viral infection using immunomodulatory polynucleotide

*sequences--  
add***Preliminary Class**

DOCKETED



**Data entry by : MUSLIM, ALIA**

**Team : OIPE**

**Date:** 04/19/2001

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

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**METHODS OF PREVENTING AND TREATING RESPIRATORY VIRAL  
INFECTION USING IMMUNOMODULATORY POLYNUCLEOTIDE  
SEQUENCES**

CROSS-REFERENCE TO RELATED APPLICATIONS

5           This application claims the priority benefit of U.S. Provisional application  
60/188,583, filed March 10, 2000, which is hereby incorporated herein by reference  
in its entirety.

TECHNICAL FIELD

10           The invention is in the field of immunostimulatory polynucleotides, more  
particularly their use in ameliorating or preventing respiratory viral infection and  
symptoms of respiratory viral infection.

BACKGROUND ART

15           Despite massive research efforts to find cures, respiratory virus infection  
remains a major health problem worldwide. Influenza and rhinovirus are causative  
agents for flu and common cold, respectively, lead to significant lost productivity  
annually as well as discomfort and even death due to illness. While many over-the-  
counter remedies are available, these drugs merely treat symptoms, often with only  
20           limited success, leaving the patient still debilitated from the infection. Respiratory  
syncytial virus (RSV) is a leading cause of serious lower respiratory tract infections  
and children under two years and has more recently been identified as an important  
cause of lower respiratory tract infection in adults. No vaccines are currently  
available for preventing RSV infection. The only antiviral currently approved for  
25           treatment of the disease, ribavirin, suffers from the drawbacks of being licensed only  
for administration as continuous small particle aerosol and being a potential  
teratogen. A challenge facing treatment of these infections is to discover an anti-viral